

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

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**CONSTANTINE N. POLITES,**  
**Plaintiff,**

**v.**

**CITY OF PHILADELPHIA,**  
**Defendant.**

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**CIVIL ACTION**

**NO. 19-4345**

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**ORDER**

**AND NOW**, this \_\_\_\_\_ day of \_\_\_\_\_, 2019, upon consideration of Plaintiff's Motion to Remand in the form of a Letter Response to Defendant's Notice of Removal, and Defendant's response thereto, it is hereby **ORDERED** that Plaintiff's Motion to Remand in the form of a Letter Response to Defendant's Notice of Removal is **GRANTED**.

**IT IS FURTHER ORDERED** that Plaintiff's Second Amended Complaint is remanded to the Philadelphia Court of Common Pleas for further proceedings.

**SO ORDERED:**

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Joyner, J.

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**DEFENDANT’S RESPONSE TO PLAINTIFF’S MOTION TO REMAND IN THE FORM  
OF A LETTER RESPONSE TO DEFENDANT’S NOTICE OF REMOVAL**

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Defendant, City of Philadelphia (the “City”), by and through the undersigned counsel, hereby files this Response to Plaintiff’s Motion to Remand in the form of a Letter Response to Defendant’s Notice of Removal (“Letter Response”). [Dkt. 2].

On September 13, 2019, Plaintiff, Constantine N. Polites (“Plaintiff”), filed a second amended complaint (“Second Amended Complaint”) *pro se* against Defendant, City of Philadelphia (hereinafter “Defendant” or “City”) in the Philadelphia Court of Common Pleas. *See* Second Amended Complaint (hereinafter cited as “Second Am. Cmplt.”), at Dkt. 1. On September 20, 2019, the City removed the Second Amended Complaint to federal court on the basis that Plaintiff asserts an equal protection claim. *Id.*

On October 1, 2019, Plaintiff filed his Letter Response to the City’s removal. In his Letter Response, Plaintiff appears to argue that he employed the expression “discrimination against commercial properties” as employed by the Supreme Court of Pennsylvania in *Valley Forge Towers Apartments N, LP v. Upper Merion Area Sch. Dist.*, 163 A.3d 962 (Pa. 2017). Letter Responses at ¶3. Plaintiff further clearly states that the City’s characterization of Plaintiff’s

Second Amended Complaint as being a Federal Civil Rights discrimination matter “is without merit.” *Id.* at ¶1.

The City acknowledges that *pro se* pleadings are to be liberally construed. *See Haines v. Kerner*, 404 U.S. 519 (1972). Therefore, without assessing the merit of Plaintiff’s allegations in the context of supporting a state law claim, the City adopts Plaintiff’s assertion that he has not raised a Federal Civil Rights claim and does not oppose Plaintiff’s request to remand Plaintiff’s Second Amended Complaint to the Philadelphia Court of Common Pleas for further proceedings.

Date: October 7, 2019

Respectfully submitted,

/s/ Meghan E. Claiborne  
Meghan E. Claiborne, Esquire  
Deputy City Solicitor  
Pa. Attorney ID No. 315918  
City of Philadelphia Law Department  
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Philadelphia, PA 19102  
(215) 683-5447  
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**CERTIFICATE OF SERVICE**

I hereby certify that on the date below, the Defendant's Response to Plaintiff's Motion to Remand in the form of a Letter Response to Defendant's Notice of Removal was filed via the Court's electronic filing system and is available for downloading.

I further certify that on the date below, a copy of Defendant's Response to Plaintiff's Motion to Remand in the form of a Letter Response to Defendant's Notice of Removal was also served upon the following via first-class mail:

Constantine N. Polites  
801 Yale Ave. #1023  
Swathmore, PA 19018  
*Plaintiff Pro Se*

Date: October 7, 2019

Respectfully submitted,

/s/ Meghan E. Claiborne  
Meghan E. Claiborne